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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1956

STATES OF WISCONSIN, MINNESOTA, OHIO and PENNSYLVANIA *Complainants* vs. STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO *Defendants*	No. 2 Original
STATE OF MICHIGAN *Complainant* vs. STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO et al. *Defendants* STATES OF MISSOURI, KENTUCKY, TENNESSEE, LOUISIANA, MISSISSIPPI and ARKANSAS *Intervening Defendants*	No. 3 Original
STATE OF NEW YORK *Complainant* vs. STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO et al. *Defendants*	No. 4 Original

PETITION OF THE COMMONWEALTH OF KENTUCKY, AN INTERVENING DEFENDANT, IN SUPPORT OF THE PETITION OF THE STATE OF ILLINOIS FOR TEMPORARY MODIFICATION OF PARAGRAPH 3 OF THE DECREE OF APRIL 21, 1930

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TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

MAY IT PLEASE THE COURT:

The Commonwealth of Kentucky, an intervening defendant in this cause, presents this, its petition in support of the petition filed by the State of Illinois requesting a temporary modification of the decree of this Court entered on April 21, 1930, which prohibits the diversion of water from the Great Lakes-St. Lawrence Watershed into the Mississippi River by way of the Illinois Waterway in excess of 1500 cubic feet per second, in addition to domestic pumpage, by the State of Illinois or the Sanitary District of Chicago.

The Commonwealth of Kentucky recognizes the existence of the emergency conditions on the Mississippi River as are set forth in the petition made by the State of Illinois and avers that the conditions described in the said petition have seriously impaired the navigation and water transportation among the Kentucky ports located on the Mississippi River, and has done so to the irreparable damage of the Commonwealth of Kentucky and its citizens.

The Commonwealth of Kentucky, therefore, respectfully concurs in the petition heretofore filed by the State of Illinois for a temporary modification of the decree of this Court of April 21, 1930 in order to relieve the critical shortage of water which now exists in the Mississippi River.

Respectfully submitted,
JO M. FERGUSON
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COUNSEL FOR INTERVENING
DEFENDANT, COMMONWEALTH
OF KENTUCKY.

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STATE CAPITOL
FRANKFORT, KENTUCKY
OF COUNSEL.

I, M. B. Holifield, one of the attorneys for the Commonwealth of Kentucky, an intervening defendant herein, and a member of the bar of the Supreme Court of the United States, hereby certify that on the 6th day of December, 1956 I served copies of the foregoing petition for temporary modification of paragraph 3 of the decree of April 21, 1930 to the Supreme Court of the United States on the several parties thereto listed as follows:

1. On the State of Wisconsin by mailing a copy in a duly addressed envelope with postage prepaid to the Hon. Vernon W. Thomson, Attorney General of the State of Wisconsin, at the offices of the Attorney General in the State Capitol, Madison, Wisconsin.

2. On the State of Minnesota by mailing a copy in a duly addressed envelope with postage prepaid to the Hon. Miles Lord, Attorney General of the State of Minnesota, at the offices of the Attorney General in the State Capitol, St. Paul 1, Minnesota.

3. On the State of Ohio by mailing a copy in a duly addressed envelope with postage prepaid to the Hon. C. William O'Neill, Attorney General of the State of Ohio, at the offices of the Attorney General in the State House, Columbus, Ohio.

4. On the State of Pennsylvania by mailing a copy in a duly addressed envelope with postage prepaid to the Hon. Herbert B. Cohen, Attorney General of the State of Pennsylvania, at the offices of the Attorney General in the State Capitol, Harrisburg, Pennsylvania.

5. On the State of Michigan by mailing a copy in a duly addressed envelope with postage prepaid to the Hon. Thomas M. Kavanagh, Attorney General of the State of Michigan, at the offices of the Attorney General in the State Capitol at Lansing, Michigan.

6. On the State of New York by mailing a copy in a duly addressed envelope with postage prepaid to the Hon.

Jacob K. Javits, Attorney General of the State of New York, at the offices of the Attorney General in the State Capitol at Albany, New York.

M. B. Holifield
Assistant Attorney General for the
Commonwealth of Kentucky